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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,459	03/30/2004	Andre Heilper	IL920040005US1	4673

7590 05/19/2005
Stephen C. Kaufman
Intellectual Property Law Dept.
IBM Corporation
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Yorktown Heights, NY 10598

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,459

Applicant(s)

HEILPER ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 2/8/2005.
2. Claims 1-26 {including new claim 26} are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolston (U.S. 6,085,176).

Re claim 26: Woolston discloses method and apparatus for using search agents to search plurality of markets for items, which includes means of tracking title to retail products (col.2, lines 30+; col.5, lines 41+).

Re claim 1: Woolston teaches an apparatus and method, wherein the tracking means comprising electronically receiving new ownership information about at least one retail product to be physically transferred to a new owner (col.3, lines 34-54); electronically registering ownership of said at least one retail product to said new owner and when requested providing verification that a retail entity selling a retail product of interest is registered as the owner of said retail product (col.12, lines 30-67; col.13, lines 1-30).

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Re claim 2, 10, and 20: Woolston discloses an apparatus and method, wherein the electronic transferring comprises communicating along a substantially secure communications line (col.13, lines 12-20).

Re claims 3-5, 8: Woolston teaches an apparatus and method, further comprising having a unique article number assigned to each the at least one retail product, wherein the unique number is encoded as a bar code (col.17, lines 37+; col.18, lines 30+).

Re claim 6, 9, and 14: Woolston discloses an apparatus and method, wherein the retail entity is a store [herein described as a consignment store] (col.14, lines 1+; col.15, lines 64+).

Re claim 7: Woolston teaches an apparatus and method, wherein the tracking comprises means registering ownership of at least one retail product when the at least one retail product is physically transferred to a new owner (col.3, lines 34-54); receiving a retail product identification code (see fig. # 13; col.15, lines 63) associated with a retail product to be verified from a possible owner (col.17, lines 37-67; col.18, lines 1-47), and generating a certificate of authenticity of the retail product to be verified if the retail product identification code is registered to the possible owner (col.19, lines 39-56).

Re claim 11: Woolston discloses an apparatus and method, comprising means of reading a label on a retail product [herein the retail product could be a valuable {Babe Ruth; Frank Robinson} baseball card or a Rolex watch; as shown in fig. # 13](col.5, lines 20+; col.4, lines 15+); and provide a certificate of authenticity of the retail product if an identification code encoded in the label and identifying the retail product is registered by a third party authority [herein interpreted as a clearing housing, wherein after the transaction is processed and cleared,

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then transfer legal title to the new owner] to a store from which the retail product was brought (col.12, lines 30-67; col.19, lines 20+).

Re claims 12, 16: Woolston teaches an apparatus and method, wherein the electronically reading comprises scanning the label with a bar code reader 14 (as shown in fig. # 1; col.3, lines 10+; col.8, lines 13+; col.14, lines 64+).

Re claims 13, 17, and 25: Woolston discloses an apparatus and method, wherein the identification code is one of the following code types a one-dimensional bar code, a two-dimensional bar code 216, RFID tag and a magnetic tag (col.10, lines 35+).

Re claim 15: Woolston teaches an apparatus and method comprising in a store, electronically reading a label on a desired retail product (col.5, lines 20+; col.4, lines 15+); transmitting a retail product identification code encoded in the read label to an authentication unit (col.17, lines 36+); receiving an indication from the authentication unit whether or not the retail product identification code is registered to the store (col.16, lines 21+); and if the indication is positive/successful, generating a certificate of authenticity for the desired retail product (col.17, lines 1-34).

Re claim 18: Woolston discloses an apparatus and method, comprising a storage unit 710/722 to store information about authentic retail products and their authorized owners (col.15, lines 10+; col.17, lines 1-22); a unit to receive queries [herein a list of products] regarding retail product (col.16, lines 54-67) and a holder of the retail product and to provide verification of authenticity of the retail product, if the holder is registered in the storage unit as the authorized owner of the retail product (col.7, lines 27+).

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Re claim 18: Woolston teaches an apparatus and method, comprising a reader 14 to read a label attached to a retail product (col.8, lines 13; col.14, lines 5+); and a unit to query an authentication unit to certify that the authorized owner of the retail product is the owner registered in the point of sale unit 700 (col.7, lines 20+; col. col.16, lines 54-67).

Re claim 19: Woolston teaches an apparatus and method, comprising an update unit to register a change in the authorized owner (col.12, lines 55+).

Re claim 21: Woolston discloses an apparatus and method, wherein a point of sale unit/terminal [herein the terminal 700] is capable of communicating the queries (col.15, lines 22+; col.16, lines 37-67).

Re claim 23: Woolston teaches an apparatus and method, comprising a display unit 16 to display verification or denial of authenticity, according to the query (see fig. # 1; col.3, lines 11).

Re claim 24: Woolston discloses an apparatus and method, comprising a printer 20 to print a certificate of authenticity, if the results of the queries are positive (col.3, lines 11).

Response to Arguments

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore (U.S. 6,456,729) discloses anti-counterfeit and tracking system.

Snow et al. (US 2001/0047340) teaches authenticity verification method and apparatus.

Becker et al. (US2002/0165741) discloses method and system for providing registration and loss protection services to consumer jewelry owners.

Maritzen (US 2003/0220841) teaches method and system for merchant-to-merchant referrals and item brokering.

Chamberlain (US 2004/0024782) discloses system and method for tracking a product.

Beck et al. (US 2004/0059737) teaches method and system for tracking the identity of an agricultural product using data handoff.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THIEN M. LE
PRIMARY EXAMINER

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 3, 2005